IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8427 OF 2005
WITH
CIVIL APPLICATION NO. 857 OF 2006

Vijay Krushnaji Patil ...Petitioner

V/s.

Rashtriya Chemicals & Fertilizers Limited & Ors. ... Respondents

Mr. Dushyant Purekar for the Petitioner

Ms. Swati Deshpande instructed by M/s. M.S. Bodhanwalla & Co. for the Respondents.

CORAM: KSHITIJ R. VYAS, C.J., &
DR.D.Y.CHANDRACHUD,J.
DATE: MARCH 20, 2006.

P.C.:-

1. The petitioner, who is a Junior Engineer (Electrical) at the Thal Unit of the Respondent at Alibag, has applied for the Voluntary Retirement Scheme (V.R.S.), launched on 1st January, 2005 by the respondents. The said V.R.S. was operative till 31st March, 2005, which was extended till 30th June, 2005. On 23rd June, 2005, the application of the petitioner for V.R.S. was rejected without assigning any reason, which is challenged on various grounds.

2. It appears that since May, 2004, the petitioner has remained absent from duty on medical grounds. According to the petitioner, he had sent medical certificates to the respondents for remaining absent. Further, it appears that on his remaining absent, the respondents have initiated departmental proceedings against him.

3. The learned counsel for the petitioner has assured that the petitioner would report for duty on 21st March, 2006.

4. Today, when the matter was called out, it was submitted on behalf of the respondents that the V.R.S., launched by them on 1st January, 2005, has come to an end, and the respondents, vide their circular dated 15th April, 2005, re-launched the V.R.S. It has been provided in the said circular that the last date for submission of applications by the employees is 30th June, 2005. The learned counsel appearing for the petitioner has shown his client's willingness, and has stated that the petitioner is desirous of applying for V.R.S. in view of the present circular.

5. The learned counsel appearing for the respondents has stated, after taking instructions from the representative of the respondents, who is present in Court, that the respondents would consider the application that may be filed by the petitioner, subject to their right to continue the departmental inquiry.

6. As and when the petitioner files an application for availing of V.R.S., the same shall be considered with an open mind. Considering the fact that the petitioner has completed 24 years' of service, it is desirable that the respondents, till they process the application and take ultimate decision in the matter, will not pass final order in the inquiry. It is stated on behalf of the petitioner that the petitioner will file an application for V.R.S. within a week from today. In that event, the respondents shall take a decision in the matter within a month from the date of receipt of the application. In the event of the respondents passing any adverse order, it will be open to the petitioner to challenge the said decision in accordance with law.

7. With the above observations and directions, this petition stands disposed of.

8. The Civil Application also stands disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,J.